IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2525 OF 2007

Mahadev alias Dadya Sitaram Zujam ..Applicants
and anr.

V/s.

The State of Maharashtra ..Respondent

Mr.Vikas Shivarkar with Mr.Yogesh Pawar, advocate, for the applicants
Ms.S.D.Shinde, Assistant Public Prosecutor, for respondent

CORAM : V.C.DAGA, J.

DATE : 11TH SEPTEMBER, 2007

P.C.

1. Heard learned counsel for the applicants and learned Assistant Public Prosecutor.

2. The learned counsel for the applicants during the course of hearing took me to the material available on record and contended that there is no positive role assigned to the present applicants. Thus, he urged that the applicants be released on bail in C.R.No.394/2006 registered with

Sahakarnagar Police Station for the offence punishable under Section 302, 143, 147, 148 & 149 of the Indian Penal Code. From the statement on record, it appears that these applicants were present on the spot but actually deceased was abducted by Santosh Padval, Ganesh Sapkal and Nitin Dhanve. Other co-accused including Nitin Dhanve but excluding Santosh Padval and Ganesh Sapkal have already been granted bail. Since there is no positive role assigned to the present applicants in commission of the offence alleged against them, I am inclined to grant bail to the present applicants on following terms and conditions.

a) The applicants Mahadev alias Dadya Sitaram Zujam and Mahesh Vasant Kadam be released on bail in event of their arrest in C.R.No.394/2007 in the sum of Rs.25,000/- with one or two sureties to make up the said amount.

b) That they should report Sahakarnagar Police Station once in a week i.e.on every Sunday between 3.00 to 5.00 p.m.

c) The order of bail will be given effect only after the applicants furnish to the Investigating Officer the details about their place of residence and address where they propose to stay after they are enlarged on bail

d) The applicants shall not, directly or indirectly, make any inducement, threat to prosecution witnesses and shall not, in any manner, tamper with the prosecution evidence.

e) The applicants shall not pressurise

witnesses and that they shall co-operate with the Investigating Agency.

f) The applicants are put on notice that on a report by the State in violating any of the conditions by them, mentioned herein, shall result in cancellation of this bail order.

g) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

h) The application is allowed in the above terms.

(V.C.DAGA, J.)